



February 28, 2001

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## HOUSE BILL No. 2115

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DIGEST OF HB 2115 (Updated February 26, 2001 1:35 PM - DI 92)

**Citations Affected:** IC 11-11; IC 11-12; IC 31-31.

**Synopsis:** Phone system charges in prison. Prohibits the department of correction, county jails, community corrections facilities, and juvenile detention facilities and centers from profiting financially from providing telephone service to confined offenders. (The introduced version of this bill was prepared by the corrections matters evaluation committee.)

**Effective:** Upon passage.

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**Smith V, Ayres, Mahern, Dillon,  
Summers, Kruse**

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January 17, 2001, read first time and referred to Committee on Human Affairs.  
February 19, 2001, reported — Do Pass; reassigned to Committee on Ways and Means pursuant to Rule 127.  
February 27, 2001, amended, reported — Do Pass.

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HB 2115—LS 6816/DI 103+



February 28, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 2115

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-11-3-10 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 10. The telephone calling system provided**  
4 **for confined offenders may not require a confined offender to incur**  
5 **a service charge or user fee greater than the allowable direct cost**  
6 **to the department or other person that contracts on behalf of the**  
7 **department for delivering the service, as determined by the state**  
8 **board of accounts. The department, including any facility or**  
9 **employee of the department, may not receive any:**

10       (1) fee;

11       (2) discounted service; or

12       (3) other consideration;

13 **from a vendor in return for use by a confined offender of the**  
14 **vendor's telephone service.**

15       SECTION 2. IC 11-12-2-14 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: **Sec. 14. The telephone calling system provided**

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for confined offenders may not require a confined offender to incur a service charge or user fee greater than the allowable direct cost to the community corrections advisory board or other person that contracts on behalf of the community corrections advisory board for delivering the service, as determined by the state board of accounts. The board or any community corrections program employee may not receive any:

- (1) fee;
- (2) discounted service; or
- (3) other consideration;

from a vendor in return for use by a confined offender of the vendor's telephone service.

SECTION 3. IC 11-12-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The telephone calling system provided for confined offenders may not require a confined offender to incur a service charge or user fee greater than the allowable direct cost to the county jail or other person that contracts on behalf of the county jail for delivering the service, as determined by the state board of accounts. The county jail, including any jail officer or employee, may not receive any:

- (1) fee;
- (2) discounted service; or
- (3) other consideration;

from a vendor in return for use by a confined offender of the vendor's telephone service.

SECTION 4. IC 31-31-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The telephone calling system provided for confined offenders may not require a confined offender to incur a service charge or user fee greater than the allowable direct cost to the juvenile detention facility or other person that contracts on behalf of the juvenile detention facility for delivering the service, as determined by the state board of accounts. The facility, including any facility employee, may not receive any:

- (1) fee;
- (2) discounted service; or
- (3) other consideration;

from a vendor in return for use by a confined offender of the vendor's telephone service.

SECTION 5. IC 31-31-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 12. The telephone calling system provided  
2 for confined offenders may not require a confined offender to incur  
3 a service charge or user fee greater than the allowable direct cost  
4 to the juvenile detention center or other person that contracts on  
5 behalf of the juvenile detention center for delivering the service, as  
6 determined by the state board of accounts. The center, including  
7 any center employee, may not receive any:

8 (1) fee;

9 (2) discounted service; or

10 (3) other consideration;

11 from a vendor in return for use by a confined offender of the  
12 vendor's telephone service.

13 SECTION 6. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 2115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 12, nays 1.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 2115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "provider" and insert "**person that contracts on behalf of the department**".

Page 2, line 3, delete "provider" and insert "**person that contracts on behalf of the community corrections advisory board**".

Page 2, line 17, delete "provider" and insert "**person that contracts on behalf of the county jail**".

Page 2, line 30, delete "provider" and insert "**person that contracts on behalf of the juvenile detention facility**".

Page 3, line 1, delete "provider" and insert "**person that contracts on behalf of the juvenile detention center**".

and when so amended that said bill do pass.

(Reference is to HB 2115 as introduced.)

BAUER, Chair

Committee Vote: yeas 18, nays 7.

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